

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CR. NO. 1:07-MJ-41-TFM
)
)
BENIGNO VALENCIA GALVAN)

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held on April 18, 2007.

Upon due consideration of the testimonial evidence and exhibits, I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

There is clear and convincing evidence that there is a serious risk that the defendant will not appear as required and pose a danger to the community if released pending trial.

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and exhibits submitted at the hearing establishes by the preponderance of the evidence that the Defendant is unlawfully present within the United States after having been previously deported and has no lawful permanent residence within the Middle District of Alabama. A detainer for the defendant's deportation has been lodged against the defendant. In addition, the defendant is serving a probationary sentence for trafficking in illegal drugs. A condition of the defendant's probation is that he refrain from committing further crimes. The defendant's unlawful presence in the United States, particularly after his prior deportation, is a further violation of law and exhibits an unwillingness to abide by judicial orders.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a

corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DONE THIS 18th day of April, 2007.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE